

Council/Agency Meeting Held: _____	City Clerk's Signature _____
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 1/18/2005	Department ID Number: PW 04-074

CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: *Penelope Culbreth Graft*
PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR

PREPARED BY: *Robert F. Beardsley*
ROBERT F. BEARDSLEY, PE, DIRECTOR OF PUBLIC WORKS

SUBJECT: Notice To Terminate Landscaping and Right-Of-Way Agreement

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)
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Statement of Issue: The City desires to terminate the terms and rights granted to it under a 1982 Landscaping and Right-of-Way Agreement via written notification to the Grantor, the Huntington Beach Company. The area covered by this easement is on a portion of Estate Circle (formally Veladare Circle) that has since been incorporated into a private street and an HOA maintained common area.

Funding Source: Not Applicable.

Recommended Action: Motion to:

Instruct the City Attorney to give written notice terminating the terms and rights granted by the Huntington Beach Company to the City of Huntington Beach in the 1982 Landscaping and Right-of-Way Agreement, as amended by Document Number 93-0670669.

Alternative Action(s): Deny the recommended action. If denied, the City would retain landscape easement rights to the property and potentially be in conflict with the Conditions of Approval and CC&R requirements for the recently developed Tract 14320.

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 CITY CLERK
 CITY OF
 HUNTINGTON BEACH, CA
 2005 JAN -5 A 9:52

E-5

REQUEST FOR ACTION

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Analysis:

On July 19, 1982, the Huntington Beach Company granted to the City "a non-exclusive easement for the construction, installation, maintenance and repair of trees, shrubs, grass and other landscaping and a non-exclusive right-of-way for pedestrian and vehicular ingress and egress" over a strip of land originally intended for use as an access to Worthy Park (cross-hatched area on Attachment 1). In December of 1983, a permanent access to Worthy Park was constructed off of 17th Street. Consequently, the City no longer required the rights granted under this easement and has not pursued use of this easement. As provided in the Agreement, "the rights...granted to Grantee (City) shall terminate after six (6) months prior written notice given by either Grantor [Huntington Beach Company] or Grantee to the other party."

On March 15, 1993, the original 1982 Agreement was amended by Document Number 93-0670669 to reduce the width of the easement area so as to accommodate the development of Tract 14320 to the southwest of Worthy Park. A remnant portion of the 1982 easement was left and now co-exists on a portion of what is now known as Estate Circle, a private street. Estate Circle was a former access road to an oil island and the adjacent high school parking lot. The oil island and the access road easement rights were sold to a private party for the development of what is today known as Tract 14321 (Crystal Island). When this tract was developed, the City required the access road and the adjacent landscaping within the easement to be privately owned and maintained by the Homeowners Association from 17th Street to the boundary of Tract 14321 (Crystal Island) as it served only as the primary access to this residential tract development as well as the High School. Accordingly, the developer of Crystal Island identified and included the access road and the adjacent landscaping within the access road easement, into the common area and assigned the maintenance of these improvements to the Crystal Island Homeowners Association through the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements recorded with the Tract. Thus, the original easement granted to the City is now neither used nor necessary.

Upon City Council approval, the City Attorney will prepare a written notice (sent via certified mail) to the Huntington Beach Company, c/o Chevron Land and Development Company (grantor) that we are terminating all our interest in the 1982 Landscaping and Right-of-Way Agreement granted to the City.

Public Works Commission Action: Not required.

Environmental Status: Not applicable

E-5.2

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Attachment(s):

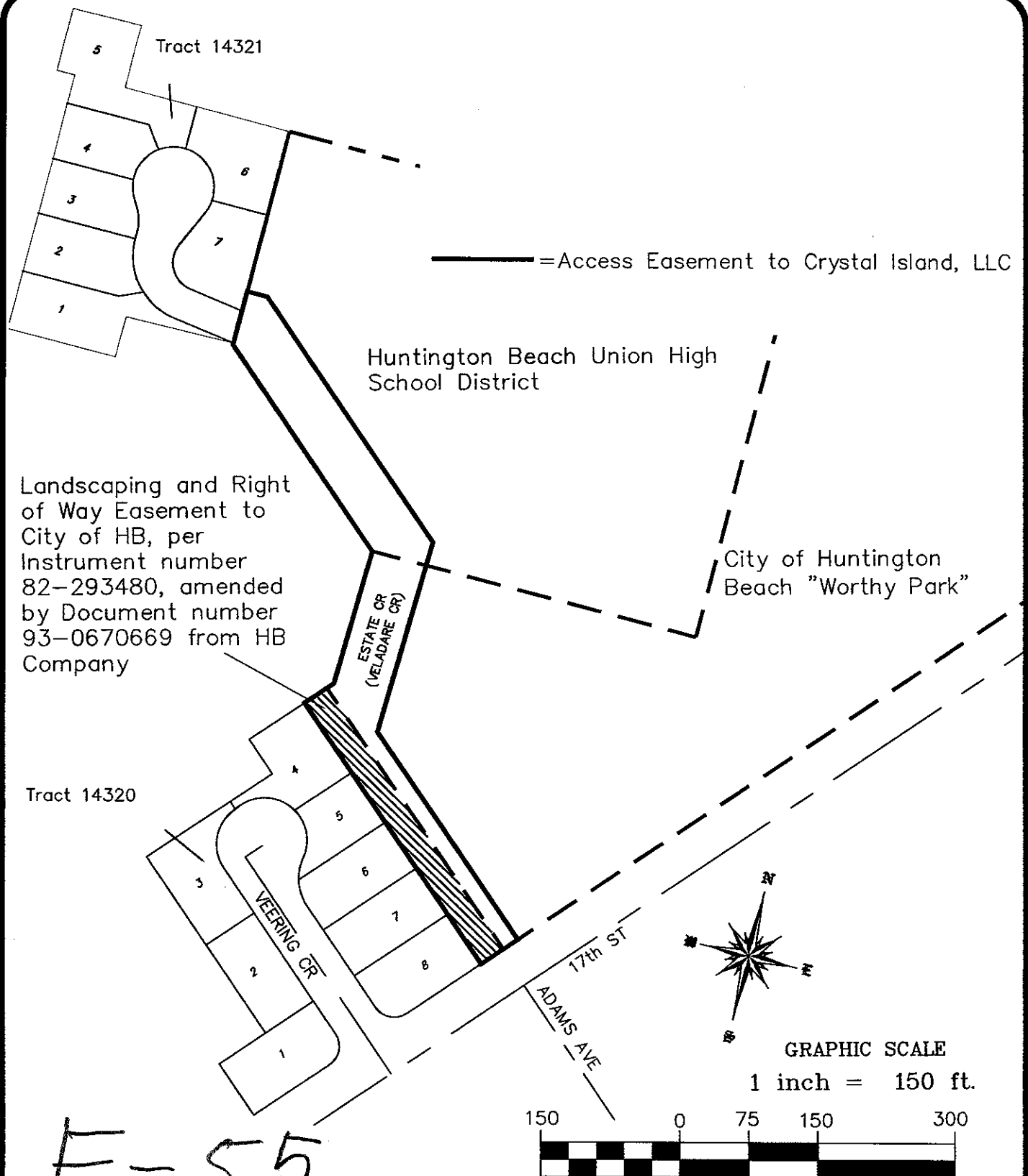
City Clerk's Page Number	No.	Description
4	1.	Vicinity Map

E-5.3

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E-5.4

ATTACHMENT #1



VICINITY MAP

CITY OF HUNTINGTON BEACH
DEPARTMENT OF PUBLIC WORKS

